

REMARKS

Applicants have carefully reviewed the Office Action dated September 8, 2004. Claims 1-34 were rejected, and claims 8, 9, 20, 21 and 28 were objected to. Claims 1-34 remain pending.

Claim Objections

Claims 8, 9, 20, and 20 were objected to because the element "the base of the filter" was not clear; claims 1 and 13 have been amended to provide sufficient antecedent basis. Claim 28 has been amended as requested.

Claim Rejections-35 U.S.C. § 102

Claims 1, 7, 9, 13, 19, 21, and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Thomas (Pub. No. US 2003/0208227 A1). Applicant respectfully traverses the rejection.

Thomas does disclose each and every element of the claimed invention; specifically, Thomas does not disclose the bioabsorbable centering element claimed in claim 1. Claim 1 has been amended to more particularly claim the invention. Amended claim 1 recites "the centering element having a first state prior to bioabsorption configured to exert an outwardly directed force on the wall of the body vessel when deployed therein and a second state subsequent to bioabsorption configured to not exert the outward directed force. Thomas discloses a blood filter having anchoring arms 22

with each arm enclosed by a bioabsorbable removable sleeve 22-2. The anchor arms of Thomas are not bioabsorbable. Thus when the sleeves of Thomas are bioabsorbed, the anchor arms still exert the outwardly directed force. Thomas does not disclose a filter having the two states recited in claim 1. Applicant thus submits that claim 1 is in condition for allowance. As claims 7 and 9 depend from claim 1 and contain additional elements, applicant submits that these claims are in condition for allowance as well.

Applicant submits that claims 13, 19 and 21 are also in condition for allowance for similar reasons. Independent claim 13 recites "the centering element having a first state prior to bioabsorption configured to self-expand and exert an outwardly directed force on the wall of the body vessel when deployed therein, and a second state subsequent to bioabsorption configured to not exert the outwardly directed force." Thomas does not disclose a filter that has these two states. Claim 26 has been cancelled.

Claim Rejections—35 U.S.C. § 103

Claims 1-6, 8, 10-18, 20, 22-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Connell (U.S. Patent No. 6,267,776) in view of Ravenscroft et al. (U.S. Patent No. 6,007,558). Applicant respectfully traverses the rejection.

The cited prior art, jointly or separately, fail to disclose the claimed invention. O'Connell discloses filters that are convertible from a closed configuration to an open configuration. This may be done through a removable centering cap 106 (col. 9, l. 60 through col. 10, l. 8) or through a biodegradable centering cap 22 (col. 8, ll. 26-36). O'Connell discloses in col. 14, ll. 7-47 a filter that is entirely biodegradable.

Ravenscroft et al. discloses a filter having centering arms.

Neither disclose a filter having "a non-biodegradable apical head; a plurality of non-biodegradable filter legs" and "a bioabsorbable centering element" as claimed in claim 1 nor provide motivation for such a filter. O'Connell discloses a filter that "may be made both passively self-opening and entirely biodegradable." Col. 14, ll. 8-9, and numerous filters where a releasable retainer is biodegradable. Thus, the filters of O'Connell can be either passively opened up into stents or dissolve entirely after a period of time. In contrast, the filter of claim 1 remains in a filtering condition once the bioabsorbable centering element dissolves. Further, the filter of claim 1 has a non-biodegradable apical head. There is thus no motivation to attach the support members of Ravenscroft et al. to the apical head and make them biodegradable. Applicant thus submits that claim 1 is in condition for allowance. As claims 2-6, 8, and 10-12 depend from claim 1 and contain additional elements, applicant submits that these claims are in condition for allowance as well.

Applicant submits that independent claims 13 and 25 are in condition for allowance for similar reasons. Both claims recite "a non-biodegradable apical head; a plurality of non-biodegradable filtering legs" and "a bioabsorbable centering element." The prior art, as discussed above, neither discloses this combination of elements nor provides motivation to make this combination. Claims 14-18, 20, and 22-24 depend from claim 13 and contain additional elements; applicant submit that these claims are in condition for allowance as well.

Claims 26-32 have been cancelled.

Information Disclosure Statement

Applicant notes that a copy of the initialized Form 1449 for the Information Disclosure Statements submitted on February 12, 2003 has not been provided. As such, Applicant requests that the Examiner promptly provide a copy of the signed IDS in accordance with MPEP § 609.

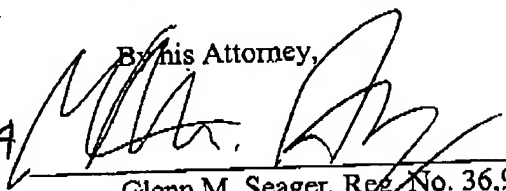
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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